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14 Attorneys for Defendant  
15 SAFEWAY INC.

16 UNITED STATES DISTRICT COURT  
17  
18 NORTHERN DISTRICT OF CALIFORNIA

19 MICHAEL RODMAN, on behalf of himself  
20 and all others similarly situated,

21 Plaintiff,

22 v.

23 SAFEWAY INC.,

24 Defendant.

Case No. 11-03003 JST (JCS)

**JOINT STIPULATION AND ~~PROPOSED~~  
ORDER REGARDING BILL OF COSTS**

1 Plaintiff Michael Rodman on behalf of himself and the certified Class (“Plaintiff”) and  
2 Defendant, Safeway Inc. (“Safeway”) stipulate as follows:

3 WHEREAS, the Court entered final judgment on November 30, 2015 in favor of Plaintiff;

4 WHEREAS, Defendant has filed a notice of appeal (ECF No. 408), and execution of the  
5 judgment has been stayed (ECF NO. 416);

6 WHEREAS, the deadline for Plaintiff to file a Bill of Costs was held in abeyance (ECF  
7 No. 409);

8 WHEREAS, the Parties have met and conferred with respect to the amount of taxable costs  
9 incurred through the entry of the final judgment, and agree that the amount of those costs properly  
10 included in Plaintiff’s Bill of Costs is \$95,000 for the following categories:

- 11 • Filing Fees
- 12 • Clerk Fees
- 13 • Witness/Subpoena Fees
- 14 • Internal and External Copying
- 15 • Express Mail and Postage
- 16 • Transcripts
- 17 • Notice of Pendency of Class Action Fees (through entry of Judgment)

18  
19 WHEREAS, Plaintiff’s undersigned counsel represent that the aforementioned costs are  
20 true and correct and were necessarily incurred in the case and that the services for which fees have  
21 been charged were actually and necessarily performed;

22 WHEREAS, the Parties have further agreed that Plaintiff will defer execution of the  
23 \$95,000 taxable costs until after final resolution of Safeway’s pending Appeal;

24 WHEREAS, the Parties have further agreed that determination of whether any costs  
25 incurred after entry of the judgment, including costs incurred in connection with the proposed  
26 Interim Notice as set forth in the stipulation filed concurrently herewith, and any costs incurred in  
27  
28

1 connection with Safeway's Appeal, are properly deemed taxable costs, shall also be deferred  
2 pending final resolution of the Appeal;

3 WHEREAS, in the event that the judgment is reversed, in whole or in part, on Appeal, the  
4 parties agree that this Stipulation will be set aside and the parties will meet and confer to address  
5 the timing and procedure for the re-determination of any award of pre-judgment costs;

6 NOW, THEREFORE, the parties to the above-captioned action hereby stipulate and agree  
7 to the following:

- 8 A. Taxable costs incurred by Plaintiff through the entry of the final judgment  
9 shall be assessed against Defendant Safeway in the amount of \$95,000;  
10  
11 B. Plaintiff will defer any execution of the \$95,000 taxable costs until after  
12 final resolution of Safeway's pending Appeal.  
13  
14 C. The determination of whether any costs incurred after entry of the  
15 judgment, including costs incurred in connection with the proposed Interim  
16 Notice as set forth in the stipulation filed concurrently herewith, and any  
17 costs incurred in connection with Safeway's Appeal, are properly deemed  
18 taxable costs, shall also be deferred pending final resolution of Safeway's  
19 Appeal.  
20 D. In the event that the judgment is reversed, in whole or in part, on Appeal,  
21 the parties agree that this Stipulation will be set aside and the parties will  
22 meet and confer to address the timing and procedure for the determination  
23 of any award of pre-judgment costs.  
24  
25  
26  
27  
28

IT IS SO STIPULATED.

Dated: February 17, 2016

REED SMITH LLP

By: /s/ Jonah D. Mitchell  
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Attorneys for Defendant  
SAFEWAY INC.

Dated: February 17, 2016

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Attorneys for Plaintiff  
MICHAEL RODMAN and the Class

*\* Filer's Attestation: Pursuant to Civil  
Local Rule 5-1(i) regarding signatures,  
Steven A. Schwartz hereby attests that  
concurrence in the filing of this  
document has been obtained.*

IT IS SO ORDERED.

Date: February 18, 2016

